

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:	:	Chapter 13
Jose R. Marrero and	:	
Jessica Marrero,	:	Case No. 18-bk-03372-JJT
Debtors	:	
	:	
Stillwater Lakes Civic Association, Inc.,	:	Objection to Confirmation of
Movant	:	Chapter 13 Plan
	:	
v.	:	
	:	
Jose R. Marrero and	:	
Jessica Marrero,	:	
Charles J. DeHart, III, Trustee,	:	
Respondents	:	

**OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN**

Stillwater Lakes Civic Association, Inc., by and through its attorney, Philip W. Stock, objects to the confirmation of Debtors' Chapter 13 Plan for the following reasons:

1. On August 13, 2018, Debtors filed their Petition for Relief under Chapter 13 of the Bankruptcy Code;
2. Debtors own their residence which is located at 5008 Holiday Drive, Pocono Summit, PA 18346;
3. On October 21, 2018, Stillwater Lakes Civic Association, Inc. (Stillwater) filed its Proof of Claim in the amount of \$22,869.77;
4. As per its Proof of Claim, Stillwater has a secured claim of \$11,029.95;
5. In addition, Stillwater has an unsecured claim of \$11,839.82;

6. Unfortunately, Debtors' Plan fails to provide for payment of Stillwater's secured claim;
7. In addition, Debtors' attempt to modify Stillwater's secured claim under Section 506 of the Bankruptcy Code is inappropriate because the lien is a consensual lien which is further defined by Pennsylvania's Uniform Planned Community Act and, as such, can not be modified;
8. Also, Debtors have failed to properly fund their Plan in order to pay their unsecured creditors. As such, their Plan is underfunded;
9. Consequently, Debtors' Plan violates 11 U.S.C. § 1325(a)(1) because the Plan is not feasible;
10. Moreover, the failure of Debtors to propose to pay the correct amount of Stillwater's secured claim fails to provide full value to Stillwater regarding its claim in violation of 11 U.S.C. § 1325(a)(5);
11. Debtors' Plan also violates 11 U.S.C. § 1322(a)(1) since Debtors are not proposing to pay all of their disposable income in their Plan;
12. Furthermore, the failure of Debtors to propose to pay the correct amount of the secured claim, violates 11 U.S.C. § 1322(a)(3) since, the Plan attempts to treat Stillwater's secured claim differently than other secured claims in the same class of claims;
13. The Plan also violates 11 U.S.C. § 1325(a)(4) since the amount proposed to be paid to unsecured creditors is less than what those creditors would receive if Debtors liquidated their real estate under Chapter 7 of the Code.

**WHEREFORE**, Stillwater Lakes Civic Association, Inc. respectfully requests that the confirmation of Debtors' Chapter 13 Plan be denied.

Date: 10/22/18

/s/Philip W. Stock  
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